

REMARKS

By this Amendment, claims 1, 7, 13, 21 and 22 are amended to merely clarify the recited subject matter and an amended Abstract is submitted. Claims 1-29 are pending.

Claims 13-29 were rejected under 35 U.S.C. 112, second paragraph, for alleged indefiniteness. Specifically, the Office Action has asserted that those claims are method claims which impermissibly fail to recite affirmative steps. Applicants traverse the rejection because claims 13-29 are not method or process claims but, rather, are apparatus claims. Therefore, those claims define the properties of a claimed network element. Accordingly, the rejection is traversed.

Claims 13 and 22 were rejected under 35 U.S.C. 101, for allegedly improperly claiming a process. Again, Applicants submit that claims 13 and 22 are directed to an apparatus, i.e., a network element. Applicants have elected, as it their discretion to do so, to claim various characteristics of the network element. Claims 13 and 22 fully conform with the requirements of both 35 U.S.C. Sections 101 and 112, as they pertain to apparatus claims.

Claim 21 was rejected under 35 U.S.C. 112, first paragraph for allegedly failing to comply with the written description requirement. Applicants have amended claim 21 has been amended by replacing the term "media gateway" with the term "gateway" used in the specification.

Claims 5, 11, 15 and 23 were rejected under 35 U.S.C. 112, second paragraph for alleged indefiniteness. Applicants traverse the rejection because one of ordinary skill in the art would readily recognize the scope of the invention recited in those claims based on their level of ordinary skill and knowledge and the teachings of the specification. Applicants assert that the phrase "stolen speech block" refers to a special speech block within a frame that is used for a purpose other than transmitting speech. Regardless of whether the frame is a regular frame or an extra frame, a stolen speech block within the frame can be recognized as a stolen speech block because it is indicated in the frame in question (see, the Applicants' specification at, e.g., page 7, lines 5-9). It is irrelevant whether the speech block in question previously contained speech data because, as in the case of an extra frame, a stolen speech block is actually stolen from its original purpose, i.e., as a speech block, and used for another purpose such as transmitting control information. Thus, Applicants assert that claims 5, 11, 15 and 23 are in full compliance with the requirements of 35 U.S.C. 112, second paragraph.

Claims 1-29 were rejected under 35 U.S.C. 112, second paragraph, for alleged indefiniteness with regard to various claim terms. Applicants have amended claims 1, 7, 13

and 22 to overcome the rejection. However, Applicants traverse the rejection of claims 13-29 because those claims would be readily understood by one of ordinary skill; the fact that claims 13 and 22 also recite the circumstances in which the network element operates, does not render these claims indefinite but, in fact, makes them more definite by defining the nature of the connection on which the network element operates.

Claims 1 and 3-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over ESTI (RES/TETRA/PDO; Part 1: General Network Design; hereafter "ESTI") in view of Samarakoon et al. (hereafter "Samarakoon"), claims 2, 15-18, 20, 23-26 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over ESTI and Saltzer et al. (End-to-End Arguments in System Design; hereafter "Saltzer"), claims 7-14, 21-22 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over ESTI, Samarakoon and Saltzer, and claims 19 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over ESTI and Uhlirz (Concept of a GSM-based Communication System for High-Speed Trains; hereafter "Uhlirz"). Applicants traverse all the prior art rejections because no combination of the cited prior art references teaches or suggests the claimed invention wherein the reproduction delay of the data to be transmitted is increased by adding one or more extra frames to the frame string being transmitted, a frame to be added to increase the reproduction delay as an extra frame is marked, and only the frames not marked as extra frames are counted in the number of received frames.

The Office Action recognized that ESTI fails to teach or suggest a stream being transmitted over a configuration that includes marked frames to be added, and that a recipient MS/LS counts only the frames that are not marked as extra. However, the Office Action asserted that Samarakoon remedies that deficiency.

Nevertheless, Samarakoon also fails to show or suggest increasing the reproduction delay of the data to be transmitted by adding one or more extra frames to the frame string being transmitted, marking a frame to be added to increase the reproduction delay as an extra frame, and counting only the frames not marked as extra frames in the number of received frames. In fact, Samarakoon fails to disclose, teach or suggest anything about adjusting reproduction delay in any way.

The Office Action referred to page 3/2, "2. Frame Insertion Technique", paragraph 1, of Samarakoon, which suggests adding synchronisation frames to the transmitted video stream between successive video frames. However, as further explained in Samarakoon, "to permit insertion the application has to reduce the data rate to maintain the same overall

transmission rate." Thus, Samarakoon expressly teaches reducing the data rate to compensate for the reduced transmission capacity due to the added synchronisation frames. However, with such a reduction in a data rate, there can be no change whatsoever in the reproduction delay. Thus, Samarakoon's solution cannot be implemented to increase the reproduction delay.

Saltzer fails to remedy the deficiencies of the combined teachings of ESTI and Samarakoon because Saltzer merely discloses the concept of end-to-end argument, suggesting that functions placed at low levels of a system may be redundant or of little value when compared with the cost of providing them at that low level. Likewise, Uhlirz fails to remedy the deficiencies of the combined teachings of ESTI, Samarakoon and Saltzer because Uhlirz merely teaches on a potential, point-to-multipoint architecture for GSM-based communication systems for high-speed trains. However, there is nothing in either of these references that teaches the claimed invention wherein the reproduction delay of the data to be transmitted is increased by adding one or more extra frames to the frame string being transmitted, a frame to be added to increase the reproduction delay as an extra frame is marked, and only the frames not marked as extra frames are counted in the number of received frames.

Accordingly, the combined teachings of the cited prior art fail to teach or suggest the claimed invention. Accordingly, claims 1-29 are patentable over the cited prior art.

All objections and rejections having been addressed, Applicants look forward to receiving a Notice of Allowability indicating the allowability of the pending claims. However, if anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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